

### **REMARKS**

The Office Action dated December 23, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

### **STATUS OF THE CLAIMS**

Claims 1-12 and 26-52 are currently pending in the application, of which claims 1, 26-27, and 43-47 are independent claims. Claims 1-2, 10, 26-29, and 43-49 have been amended to more particularly point and distinctly claim the subject matter of the present invention. No new matter has been added. Claims 1-12 and 26-52 are respectfully submitted for consideration.

### **CLAIM REJECTIONS UNDER 35 U.S.C. 112**

Claims 26-27 and 43-44 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants have amended claims 26 and 44 to remove the limitations “a first receiver,” “a second receiver,” and “a third receiver.” Applicants have also amended claim 27 to remove the limitation “a transmitter.” Further, Applicants have amended claim 43 to recite a “computer-readable storage medium.” Support for the amendment of claim 43 may be found, for example, in the specification at Figure 1 in which there is disclosure of an accounting server (*e.g.*, ACC / CCS 37) and accounting clients (*e.g.*, GGSN 32, SGSN

33, P-CSCF 34, S-CSCF 35, and AS 38). One of ordinary skill in the art would appreciate that each of the accounting server and the accounting clients is typically equipped with a “computer-readable storage medium,” for example, a memory. Accordingly, Applicants respectfully submit that the rejection of claims 26-27 and 43-44 are moot in view of the amendments of these claims, and respectfully request that the rejection of claims 26-27 and 43-44 be withdrawn.

Reconsideration and allowance of claims 26-27 and 43-44 are thus respectfully submitted.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. 103**

Claims 1-3, 5, 10-12, 26-28, 30, 35-37, and 42-50 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Appln. Pub. No. 2005/0136890 of Lippelt (“Lippelt”) in view of U.S. Patent No. 6,453,029 of Campbell (“Campbell”). The Office Action acknowledged that Lippelt fails to disclose or suggest all of the features of claims 1-3, 5, 10-12, 26-28, 30, 35-37, and 42-50, and cited Campbell to remedy the deficiencies of Campbell with respect to these rejected claims. Applicants respectfully submit that each of claims 1-3, 5, 10-12, 26-28, 30, 35-37, and 42-50 recites subject matter that is neither disclosed nor suggested in the combination of Lippelt and Campbell.

Independent claim 1, upon which claims 2-12 and 48 depend, is directed to a method including establishing the accounting session and allocating an accounting

session identifier to the accounting session based on receiving a request to establish an accounting session between an accounting server and at least one accounting client that will generate costs to be charged against prepaid credit during a call after ascertaining whether any costs generated by the at least one accounting client in a network, which are associated with a request to establish the call between a first terminal and a second terminal, are to be charged against the prepaid credit. The method also includes collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call. The charging update data received during the call includes the accounting session identifier and tariff update data.

Independent claim 26, upon which claims 28-35 and 49 depend, is directed to an apparatus including a processor. The processor is configured to establish the accounting session and to allocate an accounting session identifier to the accounting session based on receiving a request to establish the accounting session with at least one accounting client that will generate costs to be charged against prepaid credit during a call after ascertaining whether any costs are generated by the at least one accounting client in a network, which are associated with a request to establish the call between a first terminal and a second terminal and are to be charged against the prepaid credit. The processor is also configured to collate charging update data based on the accounting session identifier and the charging update data received from the at least one accounting client during the

call established between the first and second terminals to enable updating of the prepaid credit during the call. The charging update data received during the call includes the accounting session identifier and tariff update data.

Independent claim 27, upon which claims 36-42 depend, is directed to an apparatus including a processor. The processor is configured to establish, the accounting session being allocated an accounting session identifier based on a request to establish an accounting session with an accounting server that will generate the costs to be charged against prepaid credit associated with a request to establish a call between a first and second terminal. The processor is also configured to send charging update data to the accounting server during the call established between the first and second terminals for collation by the accounting server based on the accounting session identifier, to enable updating of the prepaid credit during the call. The charging update data sent during the call includes the accounting session identifier and tariff update data.

Independent claim 43 is directed to a computer-readable storage medium encoded with instructions configured to control a processor to perform a process. The processor includes establishing the accounting session and allocating an accounting session identifier to the accounting session based on receiving a request to establish an accounting session between an accounting server and an accounting client that will generate costs to be charged against the prepaid credit during a call after ascertaining whether any costs generated by the at least one accounting client in a network, which are associated with a request to establish the call between a first terminal and a second

terminal, are to be charged against the prepaid credit and in the event some or all of the costs are to be charged against prepaid credit. The process also includes collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call. The charging update data received during the call includes the accounting session identifier and tariff update data.

Independent claim 44 is directed to an apparatus including establishing means for establishing the accounting session and for allocating an accounting session identifier to the accounting session based on receiving a request to establish an accounting session with at least one accounting client that will generate costs to be charged against prepaid credit during a call after ascertaining whether any costs are generated by the at least one accounting client in a network, which are associated with a request for establishing the call between a first terminal and a second terminal, are to be charged against the prepaid credit. The apparatus also includes collating means for collating charging update data based on the accounting session identifier and the charging update data received from the at least one accounting client during the call established between the first and second terminals, thereby enabling updating of the prepaid credit during the call. The charging update data received during the call includes the accounting session identifier and tariff update data.

Independent claim 45 is directed to an apparatus including establishing means for establishing, the accounting session being allocated an accounting session identifier based on receiving a request to establish an accounting session with an accounting server that will generate the costs to be charged against prepaid credit associated with a request for establishing a call between a first and second terminal. The apparatus also includes sending means for sending charging update data to the accounting server during the call established between the first and second terminals for collation by the accounting server based on the accounting session identifier, thereby enabling updating of the prepaid credit during the call. The charging update data sent during the call includes the accounting session identifier and tariff update data.

Independent claim 46 is directed to a computer-readable storage medium encoded with instructions configured to control a processor to perform a process. The process includes establishing the accounting session being allocated an accounting session identifier based on receiving a request to establish an accounting session with an accounting server that will generate the costs to be charged against prepaid credit associated with a request to establish a call between a first and second terminal. The process also includes sending charging update data to the accounting server during the call established between the first and second terminals for collation by the accounting server based on the accounting session identifier, to enable updating of the prepaid credit during the call. The charging update data sent during the call includes the accounting session identifier and tariff update data.

Independent claim 47, upon which claims 50-52 depend, is directed to a method including establishing the accounting session being allocated an accounting session identifier based on receiving a request to establish an accounting session with an accounting server that will generate the costs to be charged against prepaid credit associated with a request to establish a call between a first and second terminal. The method also includes sending charging update data to the accounting server during the call established between the first and second terminals for collation by the accounting server based on the accounting session identifier, to enable updating of the prepaid credit during the call. The charging update data sent during the call includes the accounting session identifier and tariff update data.

Applicants respectfully submit that the combination of Lippelt and Campbell fails to disclose or suggest all of the features of any of the presently pending claims.

Lippelt describes a charging method for a communications service in a cellular communications system. A prepaid service processing node (PSPN) processes a communications service. A prepayment support node information (PI) is received from a subscriber profile database (SPD). A prepayment support node address (PA) is determined from the PI and stored. A request for communications service to be charged on a subscriber's prepayment account is detected, and a credit information request is sent to a prepayment support node (PPSC) identified by the stored PA. A credit information is received, and the requested communications service is processed according to the credit information (*see* Lippelt at Abstract).

Campbell describes a system and a method having a number of call processors and servers which provide prepaid or debit card calling service to local areas. The system maintains a single account record for each debit card customer. Each account record contains information such as an account balance and a rate billing plan for the customer. When a customer makes a prepaid call, a local call processor and server handle the call. The local server obtains the customer's record from another server if the record is not already present in a local database (*see* Campbell at Abstract).

Applicants respectfully submit that the combination of Lippelt and Campbell fails to disclose or suggest all of the features of any of the presently pending claims. Specifically, the combination of Lippelt and Campbell does not disclose or suggest, at least, "collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call, wherein the charging update data received during the call includes the accounting session identifier and tariff update data," as recited in independent claim 1 and similarly recited in the other independent claims. The Office Action acknowledged that Lippelt fails to disclose or suggest these features, and cited Campbell to remedy these deficiencies of Lippelt. In particular, the Office Action asserted that these features are disclosed by Campbell at column 4, line 58, to col. 5, line 21. In the cited portion, Campbell refers to a call processor that requires information from a system of servers, such as a list of valid



customer accounts or specific information for a particular account. The servers store account information for each debit card user, and the account information may comprise such data as an identification code, a PIN, an account balance and a specified rate plan (*see* Campbell at column 4, lines 61-65). The rate plan may be a flat rate, or a fixed charge that is billed for each minute that the caller and the calling party are connected (*see* Campbell at column 4 lines 65-67). Alternatively, a variable rate plan may be used so that the billed amount is determined by factors such as the time of the call and distance of the called destination (*see* Campbell at column 5, lines 1-3).

However, Campbell does not disclose or suggest that the servers of Campbell receive charging update data from at least one accounting client. Accordingly, Campbell fails to disclose or suggest, at least, “the charging update data at the accounting server received from the at least one accounting client,” as recited in independent claim 1 and the other independent claims. At most, Campbell refers to the servers of Campbell transmitting information to the call processor, which is separate and distinct from the servers (*see, e.g.,* Campbell at Figure 1).

In addition, Campbell does not disclose or suggest that the servers of Campbell receive charging update data during a call established between first and second terminals. Accordingly, Campbell fails to disclose or suggest, at least, “the charging update data at the accounting server received ... during the call established between the first and second terminals,” as recited in independent claim 1 and similarly recited in the other independent claims. As discussed above, Campbell refers to the flat rate plan and the

variable rate plan, but does not disclose updating the rate plans during a call. At most, Campbell refers to the call processor of Campbell requesting a rate plan from a server only when the call processor receives an incoming debit card call for processing (*see* Campbell at column 5, lines 22-32).

Furthermore, Campbell does not disclose or suggest that the servers of Campbell collate charging update data to enable updating of prepaid credit during a call. Accordingly, Campbell fails to disclose or suggest, at least, “collating charging update data in the accounting server ... to enable updating of the prepaid credit during the call,” as recited in independent claim 1 and similarly recited in the other independent claims. In fact, Campbell teaches away from the claimed invention, referring to a server updating an account balance in a user’s record only once a connection is terminated, not during a call (*see* Campbell at column 6, lines 18-21, and column 7, lines 59-65). Thus, the combination of Lippelt and Campbell does not disclose or suggest, at least, “collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call, wherein the charging update data received during the call includes the accounting session identifier and tariff update data,” as recited in independent claim 1 and similarly recited in the other independent claims.

For at least the reasons discussed above, Applicants respectfully submit that the combination of Lippelt and Campbell fails to disclose or suggest all of the elements of

independent claims 1, 26-27, and 43-47. Accordingly, Applicants respectfully request that the rejection of independent claims 1, 26-27, and 43-47 be withdrawn.

Claims 2-3, 5, 10-12, 28, 30, 35-37, 42, and 48-50 depend from, and further limit, independent claims 1, 26-27, and 47. Therefore, each of claims 2-3, 5, 10-12, 28, 30, 35-37, 42, and 48-50 recite subject matter that is neither disclosed nor suggested in the combination of Lippelt and Campbell. Accordingly, Applicants respectfully request that the rejections of claims 2-3, 5, 10-12, 28, 30, 35-37, 42, and 48-50 be withdrawn.

Claims 4 and 29 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lippelt in view of Campbell and further in view of U.S. Patent No. 6,496,690 of Cobo et al. ("Cobo"). The Office Action acknowledged that the combination of Lippelt and Campbell fails to disclose or suggest all of the features of claims 4 and 29, and cited Cobo to remedy the deficiencies of the combination of Lippelt and Campbell with respect to these rejected claims. Applicants respectfully submit that each of claims 4 and 29 recites subject matter that is neither disclosed nor suggested in the combination of Lippelt, Campbell, and Cobo.

In order for this rejection to be sustainable, the combination of Lippelt, Campbell, and Cobo must teach all the recitations of independent claims 1 and 26. Accordingly, the arguments presented above supporting the patentability of independent claims 1 and 26 over the combination of Lippelt and Campbell are incorporated herein to support the patentability of dependent claims 4 and 29. Thus, it is respectfully requested that

dependent claims 4 and 29 be allowed. Cobo does not cure the deficiencies of the combination of Lippelt and Campbell.

Cobo describes a system and a method of providing a prepaid subscriber service to a mobile subscriber in an integrated wireless telecommunications network having a circuit-switched portion and a General Packet Radio Service (GPRS) packet-switched portion. A prepaid subscriber class (PPSC) is stored in a home location register (HLR), and the PPSC is sent from the HLR to a service mobile switching center (MSC) when the subscriber registers in the circuit-switched portion of the network. The PPSC is sent from the HLR to a serving GPRS support node (SGSN) when the subscriber registers in the packet-switched portion of the network. When the mobile subscriber begins a data session, the SGSN or the MSC periodically sends partial call data records (CDRs) to a prepaid center (PPC). The PPC calculates in near real time, a new account balance for the prepaid subscriber (*see* Cobo at Abstract).

However, Cobo fails to cure the deficiencies of the combination of Lippelt and Campbell. Similarly to the combination of Lippelt and Campbell, Cobo does not disclose or suggest, at least, “collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call, wherein the charging update data received during the call includes the accounting session identifier and tariff update data,” as recited in independent claim 1 and similarly recited

in independent claim 26. Cobo is silent as to teaching the particular features associated with the accounting server of independent claims 1 and 26.

Therefore, the combination of Lippelt, Campbell, and Cobo would not lead a person of ordinary skill in the art to arrive at the features of the accounting server as recited in independent claims 1 and 26. Consequently, Applicants submit that independent claims 1 and 26 and related dependent claims 4 and 29 are not obvious over the combination of Lippelt, Campbell, and Cobo. Accordingly, Applicants respectfully request that the rejection of claims 4 and 29 be withdrawn.

Claims 6-9, 31-34, 38-41, and 51-52 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lippelt in view of Campbell and further in view of U.S. Patent No. 6,947,724 of Chaney (“Chaney”). The Office Action acknowledged that the combination of Lippelt and Campbell fails to disclose or suggest all of the features of claims 6-9, 31-34, 38-41, and 51-52, and cited Chaney to remedy the deficiencies of the combination of Lippelt and Campbell with respect to these rejected claims. Applicants respectfully submit that each of claims 6-9, 31-34, 38-41, and 51-52 recites subject matter that is neither disclosed nor suggested in the combination of Lippelt, Campbell, and Chaney.

In order for this rejection to be sustainable, the combination of Lippelt, Campbell, and Chaney must teach all the recitations of independent claims 1, 26-27, and 47. Accordingly, the arguments presented above supporting the patentability of independent claims 1, 26-27, and 47 over the combination of Lippelt and Campbell are incorporated

herein to support the patentability of dependent claims 6-9, 31-34, 38-41, and 51-52. Thus, it is respectfully requested that dependent claims 6-9, 31-34, 38-41, and 51-52 be allowed. Chaney does not cure the deficiencies of the combination of Lippelt and Campbell.

Chaney describes a system and a method in a telecommunications network for billing a call placed by a user based on a reported traffic load in the network. The system includes at least one Media Gateway Control Function (MGCF) that sends a reported traffic load for the MGCF in a registration message to a presence and instant messaging (PIM) Server. The PIM server sends the reported traffic load to users whenever the traffic load is updated by the MGCF, and to a billing node when the user places the call. A Call State Control Function (CSCF) sends the duration of the call to the billing node. The billing node determines a billing rate based on the reported traffic load and calculates a charge for the call based on the determined billing rate and the duration of the call (*see* Chaney at Abstract).

However, Chaney fails to cure the deficiencies of the combination of Lippelt and Campbell. Similarly to the combination of Lippelt and Campbell, Chaney does not disclose or suggest, at least, “collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call, wherein the charging update data received during the call includes the accounting session

identifier and tariff update data,” as recited in independent claim 1 and similarly recited in the other independent claims. Chaney is silent as to teaching the particular features associated with the accounting server of independent claims 1, 26-27, and 47.

Therefore, the combination of Lippelt, Campbell, and Chaney would not lead a person of ordinary skill in the art to arrive at the features of the accounting server as recited in independent claims 1, 26-27, and 47. Consequently, Applicants submit that independent claims 1, 26-27, and 47 and related dependent claims 6-9, 31-34, 38-41, and 51-52 are not obvious over the combination of Lippelt, Campbell, and Chaney. Accordingly, Applicants respectfully request that the rejection of claims 6-9, 31-34, 38-41, and 51-52 be withdrawn.

Reconsideration and allowance of claims 1-12 and 26-52 are thus respectfully submitted.

## **CONCLUSION**

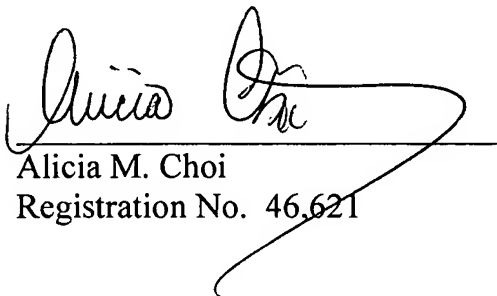
For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is thus respectfully requested that all of claims 1-12 and 26-52 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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